

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

DAVID L. SNYDER, in his capacity	)	
as counsel for Andrew G. McCabe,	)	
	)	
Plaintiff,	)	
v.	)	No. 1:18-cv-1389-CKK
	)	
U.S. DEPARTMENT OF JUSTICE, et al.,	)	
	)	
Defendants.	)	
_____	)	

**MOTION FOR A STAY OF PROCEEDINGS  
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of proceedings in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of proceedings until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. The Department of Justice employees responsible for the initial processing of documents potentially responsive to plaintiffs' FOIA request are also affected by the lapse in appropriations.

6. Opposing counsel states that they oppose the motion to stay the case.

Date: December 26, 2018

Respectfully submitted,

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Assistant Attorney General

MARCIA BERMAN  
Assistant Branch Director

s/ Justin M. Sandberg  
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*Counsel for Defendants*

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	)	
Defendants.	)	
_____	)	

**[PROPOSED] ORDER**

The Court, having considered Defendants' Motion for Stay in Light of the Lapse in Appropriation, hereby GRANTS the motion and STAYS the case.

ORDERED:

\_\_\_\_\_  
HON. COLLEEN KOLLAR-KOTELLY  
U.S. District Judge